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17
18 UNITED STATES DISTRICT COURT
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA

20 **LISAMARIA MARTINEZ,**

21 Plaintiff,

22 v.

23 **COUNTY OF ALAMEDA, MELISSA**
24 **WILK**, in her individual capacity, **EVA HE**,
25 in her individual capacity, **MARIA LAURA**
26 **BRIONES**, in her individual capacity,

27 Defendants.

28 Case No. 3:20-cv-06570-TSH

29
30 **PLAINTIFF'S SUPPLEMENTAL**
31 **STATEMENT OF UNDISPUTED FACTS**
32 **IN SUPPORT OF PLAINTIFF'S**
33 **OPPOSITION TO DEFENDANT'S**
34 **MOTION FOR SUMMARY JUDGMENT**
35 **ON DECLARATORY RELIEF**

36 Hearing Date: January 5, 2023
37 Hearing Time: 9:30am
38 Courtroom: by Zoom video conference
39 Judge: Hon. Thomas S. Hixson

SUPPLEMENTAL STATEMENT OF UNDISPUTED FACTS

Plaintiff Lisamaria Martinez submits the following Supplemental Statement of Undisputed Facts to support her Opposition to Defendant's Motion for Summary Judgment (ECF No. 63) that supplements and incorporates her previously filed Statement of Facts ¶¶ 1-42 (ECF No. 45):

43. The FBNS form in PDF format showing a “rev date” of 10/18, made available to the public online¹, and relied on by Ms. Martinez on or around her visit to the CRO on March 29, 2019 was not accessible under any professional standard and could not be independently completed by a blind person who needs non-visual access through screen reader technology such as JAWS. (Decl. Of Karen McCall in Support of Pl.’s Statement of Facts and Oppo to Def.’s Mot. for Summ. J. on Declar. Relief (“McCall Expert Decl.”), Exh. D at PL_EXPERT0003, 0013.)

44. The FBNS form in PDF format showing a “rev date” of 4/21 and made available to the public online² was not accessible under any professional standard and could not be independently completed by a blind person who needs non-visual access through screen reader technology such as JAWS. (McCall Expert Decl., Exh. D at PL_EXPERT0003, 0013.)

45. The most current FBNS form in PDF format showing a “rev date” of 11/22 and made available to the public online³ is not accessible under any professional standard, cannot be independently completed by a blind person who needs non-visual access through screen reader technology such as JAWS, and represents a degradation on accessibility when compared to the previous one with a “rev date” of 4/21. (McCall Expert Decl., Exh. D at PL_EXPERT0003, 0013; Decl. of Steven Clark in Support of Pl.’s Statement of Facts and Oppo to Def.’s Mot. for Summ. J. on Declar. Relief (“Clark Expert Decl.”), Exh. B at PL_EXPERT0027); *see also* Def.’s Suppl. Statement of Facts in Support of Motion for Summary Judgment ¶ 9, ECF No. 63-1.)

¹ <https://web.archive.org/web/20190214191025/http://acgov.org:80/forms/auditor/275-321.pdf>

² <https://web.archive.org/web/20220813030306/http://acgov.org/forms/auditor/GBNS275-321Rev04-21-2021fillable.pdf>

³ <https://web.archive.org/web/20221209002203/http://acgov.org/forms/auditor/GBNS275-321FictitiousBusinessNameStatement-REV111422.pdf> and <http://co.alameda.ca.us/forms/auditor/GBNS275-321FictitiousBusinessNameStatement-REV111422.pdf>

46. The most current electronic FBNS form available online⁴ in PDF format has instructions that could be read at least in part by a screen reader, but the form fields could not be completed or filled out with a screen reader. (Decl. of Lucia Greco in Support of Pl.’s Statement of Facts and Oppo. to Def.’s Mot. for Summ. J. on Declar. Relief (“Greco Decl.”) ¶¶ 12-13.)

47. Any of the versions of the electronic FBNS form in PDF format, which Defendants admit they downloaded from their website onto the reserve kiosk for blind people in the CRO (*see* Def.’s Suppl. Statement of Facts in Support of Motion for Summary Judgment ¶ 9, ECF No. 63-1), cannot be independently completed by a blind person with JAWS or another screen reader even if the instructions or some elements can be read by JAWS. (McCall Expert Decl., Exh. D at PL EXPERT0003, 0013; Clark Expert Decl., Exh. B at PL EXPERT0027; Greco Decl. ¶¶ 12-13.)

48. The entire process of transcribing dictated information onto an FBNS form with the CRO staff member acting as a scribe took less than five minutes to complete. (Greco Decl. ¶ 9.)

49. Providing scribe services at the CRO is already readily workable, fast, and effective, as demonstrated by current CRO staff's capacity to provide this auxiliary aid or service when requested by some blind people. (Greco Decl. ¶¶ 2-II.)

DATED: December 22, 2022

Respectfully submitted,

TRE LEGAL PRACTICE

/s/ Timothy Elder

Attorneys for Plaintiff

⁴ GBNS275-321FictitiousBusinessNameStatement-REV111422.pdf" available from the website at <http://www.acgov.org/auditor/clerk/fbnforms.htm>.